

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MISSOURI

IN RE:)
Max W. Springer, and) Case No. 09-30605
Gerry R. Springer)
Debtors)

Amendment to Chapter 13 Plan

Come Now Debtors, by and through their attorney of record, and amend their Chapter 13 Plan to reflect the following:

1. On page 6 of the filed chapter 13 Plan, the following language is to be changed under paragraph 11:

The Plan proposes 36 monthly payments. **Base plans:**

- a. **Base amount:** The base amount ("Base") shall be calculated by multiplying the number of months proposed in a base case by the monthly plan payment. If the monthly plan payment changes, the base shall be adjusted accordingly.
- b. **Adjustments to Base:** The Base may be adjusted upward to accommodate proofs of claim and amended proofs of claim filed and allowed after the bar date and to accommodate increases in long-term continuing debts being paid through the trustee from the plan payments remitted by the debtor. The Base may be adjusted at the end of the plan in order to allow a full monthly payment in the last month of the plan to any creditor receiving long term debt payments through the trustee. The Base may be adjusted upward due to any additional funds the debtor receives which are determined to be disposable income either by agreement of the debtor and the trustee or by order of the court regardless of source. If the debtor remits sufficient funds to the trustee to pay off the case in full, e.g. 100% to all filed and allowed unsecured creditors; the trustee may adjust the plan to a 100% plan for filed and allowed unsecured creditors without further order of the court.
- c. **Payment of non-priority unsecured creditors:** Filed and allowed non-priority unsecured creditors shall be paid their pro rata share, as funds are available, of plan payments available after the satisfaction of administrative expenses, secured claims (including interest), priority unsecured claims and after all long-term debt payments being paid through the trustee are current.
- d. **Length of Base:** Because the total funds paid into the plan *must* be sufficient to satisfy the administrative expenses, secured claims and priority unsecured claims, the plan may actually run longer than the number of months needed to satisfy the Base. Any adjustments made to the Base that results in the Plan running in excess of the sixty-month statutory time limit of §1322(d) may result in the trustee filing a motion to dismiss.

Debtors to sell time share listed on schedule A within 12 months of the Court's permission granting sell and pay net proceeds, after approved costs of sell, to the Trustee for distribution to the general unsecured creditors.

2. All other provisions of the Debtor's Plan are to remain the same.

Respectfully Submitted,

/s/Ted L. Tinsman

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ATTORNEY FOR DEBTOR(S)

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above Amendment to Chapter 13 plan was sent on July 23, 2009 by First Class US Mail, postage prepaid, to all parties as listed on the Court's Creditor Mailing Matrix, not receiving electronic notice.

/s/Ted L. Tinsman

Ted L. Tinsman, #40745